

September 24, 2013

The Montana Office of Public Instruction (OPI) is seeking a waiver from the U.S. Department of Education to avoid double testing in any Montana public school in spring 2014 due to the need to field test new assessments in reading/language arts and mathematics that are aligned to the new Montana Common Core Standards. The OPI would eliminate altogether the administration of the current statewide criterion-referenced test (CRT) from Measured Progress except for Science (in grades 4, 8 , and 10) and the CRT Alternate for qualifying students with disabilities. Instead of the CRT, all public schools with tested grades will have students take a full form of both the reading/language arts and mathematics field tests from the Smarter Balanced Achievement Consortium (except for students with disabilities who qualify for the CRT Alternate as there will not be a new Alternate form ready to include in field testing).

There are implications of this action. Field testing only provides information to the test developers for making adjustments to the tests and how they are delivered. The results cannot and will not be provided for individual students or for school and district accountability purposes. Therefore, there will be no student level reports for parents or student achievement data for schools and districts to use for program planning. However, with the elimination of the CRT, students will not have to take both the field tests and the CRT, allowing more time for instruction.

Another implication of not administering two tests is the effect on Adequate Yearly Progress (AYP) determinations. The AYP and improvement status determinations made in summer 2013 for use in the 2013-2014 school year will be frozen and remain in place for the 2014-2015 school year. This means that schools and districts will continue in the same improvement status (if currently identified for improvement) with the same interventions that are currently in place for one more year. The OPI will resume making AYP determinations in summer of 2015 based on the new assessments administered in spring 2015.

If the waiver is approved, parents must be informed of these changes and the implications above and notified that their student(s) will be participating in field testing only (unless a student qualifies for and will be administered the CRT Alternate due to disability status).

Comments on this waiver request can be submitted to opiwaivers@mt.gov.

THE DEADLINE FOR COMMENTS HAS BEEN EXTENDED TO 10:00 AM ON OCTOBER 2, 2013.

Below is the waiver request which will be submitted on October 1, 2013



Montana
Office of Public Instruction
Denise Juneau, State Superintendent

Office of Public Instruction
P.O. Box 202501
Helena, MT 59620-2501
406.444.3095
888.231.9393
406.444.0169 (TTY)
opi.mt.gov

September 30, 2013

Deborah S. Delisle
Assistant Secretary
Office of Elementary and Secondary Education
400 Maryland Ave, SW
Washington, DC 20202

Dear Assistant Secretary Delisle:

In the 2013–2014 school year, the Montana Office of Public Instruction (OPI) will be field testing the new Smarter Balanced Achievement Consortium reading/language arts and mathematics assessments aligned to college- and career-ready standards. Per the Secretary's June 18, 2013, announcement, I am writing on behalf of the OPI to request the double-testing flexibility by requesting a one-year waiver of the following requirements in Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, and their associated regulatory provisions:

- ESEA sections 1111(b)(1)(B) and 1111(b)(3)(C)(i), which require a State educational agency (SEA) to apply the same academic achievement standards, and to use the same academic assessments, for all public school children in the State. The OPI requests these waivers so that any individual student within Montana will be permitted to take only the full form of the field test of the new assessment aligned to college- and career-ready standards in each content area in 2013–2014.
- ESEA section 1111(b)(3)(C)(xii), which requires the provision of individual student interpretive, descriptive, and diagnostic reports that include information regarding achievement on State assessments to parents, teachers, and principals as soon as is practically possible after an assessment is given. The OPI requests this waiver to permit the OPI and its local educational agencies (LEAs) to refrain from producing or providing these reports for a student's performance on a field test.

On behalf of the OPI, I am also requesting the determination flexibility by requesting a one-year waiver of the following ESEA requirements and their associated regulatory provisions:

- ESEA sections 1111(h)(1)(C)(ii) and 1111(h)(2)(B), which require an SEA and an LEA, respectively, to report on performance against annual measurable objectives (AMOs). The OPI requests these waivers to permit Montana and its LEAs to refrain from reporting performance against AMOs for the subject(s) being field tested in all schools and districts that participate in the field test of the new assessments aligned to college- and career-ready standards. Since all LEAs and schools will participate in the field test, there will be no need to report performance against AMOs on the current State assessment.

The Montana Office of Public Instruction provides vision, advocacy, support, and leadership for schools and communities to ensure that all students meet today's challenges and tomorrow's opportunities.

- ESEA sections 1116(a)(1)(A) and 1116(c)(1)(A), which require an LEA and an SEA, respectively, to use the State's academic assessments and other academic indicators to make adequate yearly progress (AYP) determinations for schools and LEAs. The OPI requests this waiver to permit an LEA within Montana that has one or more schools participating in the field test to refrain from making AYP determinations for each of those schools and to permit the OPI to refrain from making AYP determinations for any LEA participating in the field test.

The OPI hereby assures that, if it is granted the requested waivers:

- The OPI and its LEAs will ensure that all students in the tested grades will participate in the field test.
- Since all Montana LEAs and schools will participate in the field testing, there will be no need for the OPI and its LEAs to make AYP determinations for the 2013-2014 school year.
- Since all Montana LEAs and schools with tested grades will participate in the field test, there will be no need for the OPI and its LEAs to report performance against AMOs based on the State assessment.
- With the exception of the alternate State approved assessment for children (as required in their Individual Education Plans) all students in Montana LEAs and schools will participate in the in the field test. Therefore, there will be no reporting obligations for the OPI and its LEAs with respect to reporting the achievement of students who take the current State assessments.
- The OPI has properly notified all LEAs and schools that they will participate in the field test.
- The OPI will ensure that parents of students in each school participating in the field test have been notified of the school's participation, including by ensuring that the notification to parents includes a discussion of the implications of the school's participation in the field test and that the parents' child will participate in the field test.
- In 2014–2015, the OPI will administer the new reading/language arts and mathematics assessments aligned to college- and career-ready standards, as well as State science assessments, to all students in the grades required to be tested in accordance with the ESEA.
- The OPI will resume making AYP determinations for all schools and all LEAs based on assessments administered in the 2014–2015 school year.
- Enclosed with this waiver request is a list of all schools and LEAs, within Montana that will participate in the field test of the new assessments aligned to college- and career-ready standards as well as an indication that those schools and LEAs will not receive new AYP determinations in light of their participation in the field test.

Prior to submitting this waiver request, the OPI provided all LEAs in the State with notice and a reasonable opportunity to comment on this request. The OPI provided such notice by an official email to each LEA on September 24, 2013 and a notice published on the OPI website on September 24, 2013. A copy of the email and the notice are attached. Copies of all comments that the OPI received from LEAs in response to this notice are attached hereto. The OPI also provided notice and information regarding this waiver request to the public in the manner in which the OPI customarily provides such notice and information to the by posting information regarding the waiver request on the OPI website (see attached copy of public notice).

Please feel free to contact Assistant Superintendent Nancy Coopersmith at (406) 444-5541 or at ncoopersmith@mt.gov if you have questions regarding this request. Thank you for your consideration.

Sincerely,

Denise Juneau
State Superintendent